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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 582,175	06 21 2000	ARIANTO DARMAWAN	39629 DEP R1	7850

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EXAMINER

CINTINS, IVARS C

ART UNIT	PAPER NUMBER
1724	22

DATE MAILED: 08/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No. 09/582,175	Applicant(s) Darmawan
Examiner Ivars Cintins	Art Unit 1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Jul 18, 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) The period for reply expires 3 months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____ . Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will not be entered because:
- (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see NOTE below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. Applicant's reply has overcome the following rejection(s):
35 U.S.C. 112, second paragraph.
4. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:

6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: None
- Claim(s) objected to: None
- Claim(s) rejected: 6-11
- Claim(s) withdrawn from consideration: _____
8. The proposed drawing correction filed on _____ is a) approved or b) disapproved by the Examiner.
9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ .
10. Other: See attached supplement.

IVARS CINTINS
PRIMARY EXAMINER
ART UNIT 1724

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SUPPLEMENT TO ADVISORY ACTION

The proposed amendment filed July 18, 2002 will be entered, and will overcome the 35 U.S.C. § 112, second paragraph, rejection contained in the previous Office action. Applicant should note, however, that the "new matter" objection with respect to proposed drawing figure 10, and the "art" rejections contained in this previous Office action have not been overcome by this amendment.

Applicant's arguments filed July 18, 2002 have been noted and carefully considered but are not deemed to be persuasive of patentability. With respect to proposed Fig. 10, Applicant should note that lines 30-33 of page 6 of the specification do not suggest a column having the resin relationship (i.e. left side = $2h$; right side = h) depicted in this proposed Fig. 10; and the illustration on page 7 of the specification does not suggest a single vessel divided by a partition, as depicted in proposed Fig. 10. Furthermore, there does not appear to be any suggestion in the disclosure originally filed that these two separate embodiments can be combined to arrive at that shown in proposed Fig. 10.

Also, with respect to Applicant's arguments concerning Seibel, Applicant should note that regeneration medium inlet 28

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is structurally and patentably indistinguishable from the "upper fluid inlet port" of claim 6; that the openings in liquid permeable distribution members **12** are structurally and patentably indistinguishable from the broadly recited "nozzles"; and that the "outlet port for backwashing" (i.e. during upward liquid flow from conduit **20**) is inherently capable of removing particulate matter larger than the upper bed nozzle openings, and this capability is all that is required to satisfy the "outlet port" limitation of claim 6. The fact that Seibel does not actually employ the disclosed device in this manner is not deemed to be significant, since the intended use of a device is not a structural limitation, and hence cannot be relied upon to patentably distinguish an apparatus claim. It is well settled that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can

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normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

The fax phone numbers for this art unit are: (703) 872-9311 for "Official" faxes after Final Rejection; (703) 872-9310 for all other "Official" faxes; and (703) 872-9492 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.



**Ivars C. Cintins
Primary Examiner
Art Unit 1724**

I. Cintins
August 12, 2002